IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Crl.MC.No. 395 of 2007()

CMP.3029../2006 of JUDL. MAGISTRATE OF FIRST CLASS-II, HOSDRUG
CRIME NO.139 OF 2006 OF VELLARIKUNDU POLICE STATION

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PETITIONER: ACCUSED 1 TO 3.

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1. K.T.THEJUS, S/O. K.T.SURESH,
   THEJUS HOUSE, GURUVAYURAPPAN COLLEGE P.O.,
   NELLIKKODE AMSOM, KOVOOR DESOM, KOZHIKODE.

2. DARSHAN K.T., S/O. K.T.SURESH,
   THEJUS HOUSE, GURUVAYURAPPAN COLLEGE P.O.,
   NELLIKODE AMSOM, KOVOOR DESOM, KOZHIKODE.

3. M.V.GEETHASURESH, W/O. K.T.SURESH,
   THEJUS HOUSE, GURUVAYOORAPPAN COLLEGE P.O.,
   NELLIKKODE AMSOM, KOVOOR DESOM, KOZHIKODE.

BY ADV. SRI.A.SUDHI VASUDEVAN

RESPONDENTS: COMPLAINANT.

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1. SUB INSPECTOR OF POLICE,
   VELLARIKUNDU POLICE STATION, KASARGODE.

2. STATE REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

3. SMT.SANDHYA,
   KARTHIKA BHAVAN, PONGANCHAL HOUSE, PUNNAKUNNU P.O.
   PARAPPA (VIA), KASARGODE.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.395 of 2007

Dated this the 28th day of February, 2007

ORDER

This petition is filed by the petitioners complaining about the want of jurisdiction for the Station House Officer, Vellarikundu Police Station to conduct an investigation into a crime alleging the commission of the offence punishable under Section 498 A I.P.C. This Crl.M.C was filed on 31.01.2007. Notice was ordered to the Public Prosecutor as also to the defacto complainant.

2. The learned Public Prosecutor on instructions submits that the petition has now become infructuous in as much as the investigation has been completed even prior to the filing of this Crl.M.C. Final report after investigation was filed on 30.12.2006. Cognizance has already been taken. The case has been registered as C.C.No.28 of 2007 and the case stands posted to 12.03.2007.

3. I do not in these circumstances find any merit in the grievance that the investigation by the Station House Officer, Vellarikundu Police Station cannot be permitted to proceed. It has already come to an end. I am satisfied that this Crl.M.C can be dismissed without prejudice to the rights of the petitioners to raise appropriate contentions regarding territorial jurisdiction before the learned Magistrate or to seek transfer in accordance with law if sufficient grounds exist.

4. This Crl.M.C is, in these circumstances, dismissed, but with the above observations.

(R.BASANT, JUDGE)

rtr/-